

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARCELLUS WILLIAMS,)	
)	
Petitioner,)	CAPITAL CASE
)	
v.)	No. 4:05-CV-1474 RWS
)	
DONALD ROPER,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

Marcellus Williams is set to be executed on August 22, 2017. He moves for relief from judgment under Rule 60(b) of the Federal Rules of Civil Procedure, and he moves for a stay of the execution date pending resolution of the Rule 60(b) motion. Petitioner's decision to file these motions just three weeks before his execution date leaves very little time for the parties to fully brief the matter and for me to consider it. As a result, I will set an expedited briefing schedule.

Petitioner states he has newly discovered exculpatory evidence, specifically DNA evidence from the murder weapon. However, he received the report from the Forensic DNA Consultant on December 28, 2016. Petitioner is warned that I will not allow him to delay the execution by filing last-minute, dilatory motions. Regardless, I will allow full briefing on the matter.

Accordingly,

IT IS HEREBY ORDERED that respondent must respond to the motions no later than **August 8, 2017**. Petitioner must file his reply brief no later than **August 14, 2017**. I will not extend the time for filing the briefs under any circumstance.

Dated this 1st day of August, 2017.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written in dark ink.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE